

Report Date: May 17, 2010

PROB 12C
(7/93)

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAY 21 2010

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Eduardo Abundiz

Case Number: 2:07CR02080-004

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: 10/23/2008

Original Offense: Conspiracy to Distribute Controlled Substance, 21 U.S.C. § 846

Original Sentence: Prison - 364 Days; TSR - 36 Months
Type of Supervision: Supervised Release

Asst. U.S. Attorney: Jane Kirk

Date Supervision Commenced: 10/30/2009

Defense Attorney: Frank Louis Cikutovich

Date Supervision Expires: 10/29/2012

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1

Special Condition #17: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.**Supporting Evidence:** Mr. Abundiz submitted a random urine sample that was presumptively positive for THC (marijuana) on December 16, 2009. The sample was sent to the lab for confirmation. This officer spoke with Mr. Abundiz on December 28, 2009, and he admitted he had used marijuana during the weekend of December 12 and 13, 2009. He stated he became upset over the loss of his brothers and decided to use marijuana, hoping it would make him feel better.

2

Special Condition # 17: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

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Supporting Evidence: Mr. Abundiz admitted to this officer that he used marijuana on April 10, 2010. He submitted a random urinalysis on April 20, 2010, that was positive for THC and was later confirmed positive for Cannabinoids on April 23, 2010.

Mr. Abundiz also submitted the following random urinalysis tests that were positive for THC: April 15, 2010, which was confirmed by the lab to be positive for Cannabinoids on April 19, 2010; and April 21, 2010, which was not sent to the lab for confirmation as this officer had already sent a prior sample to the lab on April 20, 2010, that was confirmed positive for Cannabinoids as noted above.

- 3 **Standard Condition #11:** The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

Supporting Evidence: Mr. Abundiz was involved in a one vehicle accident where he was a passenger. He was questioned by law enforcement on April 11, 2010, due to the nature of the accident, the observable open and unopened containers of beer, and the strong odor of intoxicants coming from the defendant. Mr. Abundiz did not disclose to this officer his contact with law enforcement until April 20, 2010.

- 4 **Special Condition #18:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Abundiz was involved in a one vehicle accident where he was a passenger. He was questioned by law enforcement on April 11, 2010, due to the nature of the accident, the observable open and unopened containers of beer, and the strong odor of intoxicants coming from the defendant. Mr. Abundiz admitted to the responding officer, at the scene of the accident, that he had been drinking alcohol that evening, and he was not able to drive.

- 5 **Special Condition #19:** You shall not enter into or remain in any establishment where alcohol is the primary item of sale.

Supporting Evidence: Mr. Abundiz was involved in a one vehicle accident where he was a passenger. He was questioned by law enforcement on April 11, 2010, due to the nature of the accident, the observable open and unopened containers of beer, and the strong odor of intoxicants coming from the defendant. Mr. Abundiz admitted to the responding officer that he had been at a Mexican club in Yakima on April 10, 2010. He confirmed he drank alcohol at this establishment.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 05/17/2010

s/Stephen Krous

Stephen Krous
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

5/19/10

Date